

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re:

Case No.: 8:15-bk-10162-CPM

Karl Dudley Crawford and  
Cheryl Annette Crawford

Debtors.

CHAPTER 13

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached proof of service, plus an additional three days for service if any part was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at 801 N. Florida Avenue, Suite 555, Tampa, FL 33602-3899 and serve a copy on the movant's attorney, Robert D DeLeon, Esq., DeLeon Law, PLLC, 204 37<sup>th</sup> Ave N. #131, St. Petersburg, FL 33704, and any other appropriate within the time allowed. If you file and serve a response within in the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

**MOTION TO APPROVE SETTLEMENT AGREEMENT**

COME NOW, Mark Rediger and Colleen Rediger (the "Creditors" or "Plaintiffs") and Karl Dudley Crawford (the "Debtor" or "Defendant"), by and through their undersigned attorneys, and hereby file this Motion to Approve Settlement Agreement, and in support thereof state as follows:

**JURISDICTION**

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B), (G) and (I).

2. Venue of this proceeding and this Motion is property in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

### **BACKGROUND**

3. The Debtor and his wife (the “Debtors”) filed a petition for relief under chapter 7, titled 11 of the United States Code in the United States Bankruptcy Court for the Middle District of Florida, Tampa Division on October 6, 2015.

4. Debtors scheduled a debt owed by the Debtor to the Creditors on Schedule F of their petition (Doc. No. 1).

5. The Debtors subsequently converted their case to one under chapter 13 on January 20, 2016 (Doc. No. 17)

6. On May 10, 2016, Creditors, Mark Rediger and Colleen Rediger timely filed a proof of claim (Claim No. 12-1) in the amount of \$364,368.14 based on a failed home construction contract between the Debtor and Creditors. Creditors proof of claim contained not only contractual damages, but also included an amount based on an allegation of civil theft and treble damages.

7. On August 24, 2016, Creditors filed an adversary proceeding, case number 8:16-ap-00559-CPM, against Debtor Karl Dudley Crawford, under 11 U.S.C. § 523(a) to determine the non-dischargeability of the debt owed to them.

8. On October 4, 2016, Debtor filed an Objection to Claim (Doc. No. 41), which was subsequently responded to by the Creditors on October 18, 2016 and October 19, 2016 (Doc. Nos. 42 and 43). The Objection to Claim is still pending before this Court and is currently scheduled for a continued preliminary hearing for June 6, 2017.

9. On January 23, 2017, Creditors filed a Motion for Relief from Stay (Doc. No. 52) in order to allow them to pursue the fraud claims against the Debtor in the state court venue (Pasco County case number 15-CA-004110-WS). The Motion for Relief from Stay is still pending before this Court and is currently scheduled for a continued preliminary for June 6, 2017.

10. On March 14, 2017, this Court entered an Order Directing Mediation (Adv. Doc. No. 12).

11. Pursuant to said Order, mediation took place on April 28, 2017 with Robert Nader serving as Mediator.

#### **SETTLEMENT DETAILS**

12. The parties reached a settlement after attending said mediation on April 28, 2017, with confirmation as to the terms of the agreement made by the parties on August 1, 2017.

13. The settlement will resolve the currently pending Adversary Case, Objection to Claim, and Motion for Relief from Stay, along with the state court litigation.

14. The Plaintiffs and Defendant wish to compromise and settle these matters on the following terms:

- a. An Agreed Stipulated Final Judgment will be entered in the Adversary Case finding that the claim held by the Creditors against the Debtor will be non-dischargeable pursuant to 11 U.S.C. § 523(a) in this bankruptcy case or any subsequent bankruptcy case filed by the Debtor, or his company Crawford Construction, LLC.

- b. In consideration of this agreement, Creditors will agree to reduced claim of Two Hundred and Thirty-Five Thousand (\$235,000.00) dollars. Creditors will amend their previously filed proof of claim to conform with this amount.
- c. The Debtor's Objection to Claim will thereafter be denied as moot.
- d. A Final Judgment will be entered in the state court case against the Debtor and his company, Crawford Construction, LLC in the amount of Two Hundred and Thirty-Five Thousand (\$235,000.00) dollars.
- e. Creditors will seek the maximum recovery available pursuant to the Florida Homeowners' Construction Recovery Fund. Creditors will promptly file a second amended proof of claim, reducing the Debtor's liability to them, in the amount, if any, Creditors recover from this fund.
- f. The Motion for Relief from Stay will be granted in part, through a separate agreed order, for the limited purpose of permitting the Creditors to obtain a Final Judgment against the Debtor and his company in state court, periodically requesting post-judgment discovery, and, to the extent necessary, for pursuing a claim against the Florida Homeowners' Construction Recovery Fund. Should Creditors become aware of money or property upon which they wish to execute, Creditors must motion this Court for such further relief in order to do so.

15. By this Motion, Plaintiffs and the Defendant seek approval of the settlement of the Adversary Proceeding and other matters in this case pursuant to Bankruptcy Rule 9019. Rule 9019 provides that "[o]n motion the by the [T]rustee and after notice and a hearing, and court may approve a compromise or settlement. Notice shall be given to creditors, the United States trustee, the debtor... and to any other entity as the court my direct." Fed.R.Bankr.P. 9019(a).

**WHEREFORE**, the Creditors and Debtor move this Court for an order approving the settlement as reflected herein and filed in this matter.

Respectfully submitted, this 9th day of August, 2017.

/s/ Robert DeLeon  
Robert DeLeon, Esq.  
Fla. Bar No: 93901  
DeLeon Law, PLLC  
204 37<sup>th</sup> Ave. N #131  
St. Petersburg, FL 33704  
Phone: 813-330-2010  
Email: robert@deleon-law.com  
Counsel for Karl Crawford

/s/ Michael Nardella  
Michael Nardella, Esq.  
Fla. Bar No: 51265  
Nardella & Nardella, PLLC  
250 E. Colonial Dr., Ste 102  
Orlando, FL 32801-1231  
Phone: 407-966-2681  
Email: mnardella@nardellalaw.com  
Counsel for Mark and Colleen Rediger

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing motion has been served on this 9th day of August, 2017 either by electronic transmission or by U.S. first class mail on the parties listed below.

☒ All parties listed on the attached mailing matrix.

/s/ ROBERT DELEON, ESQ.  
Robert DeLeon, Esq.  
DeLeon Law, PLLC  
204 37<sup>th</sup> Ave N. #131  
St. Petersburg, FL 33704  
Fla. Bar No: 93901  
Tel.: 813-330-2010  
Attorney for Debtors

Label Matrix for local noticing  
113A-8  
Case 8:15-bk-10162-CPM  
Middle District of Florida  
Tampa  
Wed Nov 23 13:42:31 EST 2016

Barclays Bank Delaware  
Attn: Bankruptcy  
P.O. Box 8801  
Wilmington, DE 19899-8801

Capital One Bank (USA), N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Chase Bank  
Attn: Bankruptcy Dept  
Po Box 15298  
Wilmington, DE 19850-5298

Community Hospital Of New Port Richey  
Resurgent Capital Services  
PO Box 1927  
Greenville, SC 29602-1927

Credit Bureau Systems  
PO Box 9200  
Paducah, KY 42002-9200

Frank C Pettinato II, DMD  
4427 Rowan Rd  
New Port Richey, FL 34653-6198

Gte Financial  
711 E Henderson Ave  
Tampa, FL 33602-2509

Lowe's Business  
PO Box 530970  
Atlanta, GA 30353-0970

Macdill Air Force Bk/Grow Financial FCU  
Attn: Bankruptcy  
Po Box 89909  
Tampa, FL 33689-0415

Recovery Management Systems Corp.  
Attn: Ramesh Singh  
25 SE Second Avenue, Ste 1120  
Miami, FL 33131-1605

Bealls  
PO Box 182273  
Columbus, OH 43218-2273

Carnival Mastercard  
PO Box 60517  
City of Industry, CA 91716-0517

Chase Card  
201 N. Walnut St//Del-1027  
Wilmington, DE 19801-2920

Cook Sales Inc  
Credit Bureau Systems, Inc  
PO Box 9200  
Paducah, KY 42002-9200

Financial Corporation Of America  
Attn: Bankruptcy  
Po Box 203500  
Austin, TX 78720-3500

Gemb/walmart  
Attn: Bankruptcy  
Po Box 103104  
Roswell, GA 30076-9104

Hhgregg  
PO BOX 960061  
Orlando, FL 32896-0061

M&T BANK  
PO BOX 1508  
BUFFALO, NY 14240-1508

Mark and Colleen Rediger  
c/o Michael A. Nardella, Esq.  
Nardella & Nardella, PLLC  
250 E. Colonial Drive, Suite 102  
Orlando, FL 32801-1231

ASHLEY LAKES HOA  
c/o Qualified Property Mngmt  
PO Box 628207  
Orlando, FL 32862-8207

Capital 1 Bank  
Attn: General Correspondence  
Po Box 30285  
Salt Lake City, UT 84130-0285

Cbs Col Owbr  
Po Box 1479  
Owensboro, KY 42302-1479

Colleen Rediger  
Mark Rediger  
c/on Brinson Law Firm  
PO Box 8668  
Saint Petersburg, FL 33738-8668

Cooksales, Inc.  
PO Box 538389  
Atlanta, GA 30353-8389

Florida Central Credit  
3333 Henderson Blvd  
Tampa, FL 33609-2955

Grow Financial Federal Credit Union  
c/o Kass Shuler P.A.  
Attn: Jeffrey J. Mouch, Esq.  
P.O. Box 800  
Tampa, Fl 33601-0800

Lowe's  
P.O. Box 530914  
Atlanta, GA 30353-0914

M&t Credit Services Ll  
1100 Worley Drive  
Consumer Asset Management 2nd Floor/Attn  
Williamsville, NY 14221

Oac  
Po Box 500  
Baraboo, WI 53913-0500

Pacific Union Financia  
1603 Lbj Fwy Ste 500  
Farmers Branch, TX 75234-6071

Pacific Union Financial, LLC  
Aldridge Pite, LLP  
4375 Jutland Drive, Suite 200  
P.O. Box 17933  
San Diego, CA 92177-7921

PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for  
Crown Asset Management LLC  
PO Box 788  
Kirkland, WA 98083-0788

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Sam's Club  
2101 S.E. Simple Savings Dr  
Bentonville, AR 72712-4304

Synchrony Bank  
c/o Recovery Management Systems Corporat  
25 SE 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Synchrony Bank/Care Credit  
Attn: bankruptcy  
Po Box 103104  
Roswell, GA 30076-9104

Synchrony Bank/Lens Crafters  
Attn: Bankruptcy  
Po Box 103104  
Roswell, GA 30076-9104

Synchrony Bank/Lowes  
Attention: Bankruptcy Department  
Po Box 103104  
Roswell, GA 30076-9104

TD Retail Card Services  
c/o Creditors Bankruptcy Service  
P.O. Box 800849  
Dallas, TX 75380-0849

Tdrcs/rooms To Go  
1000 Macarthur Blvd  
Mahwah, NJ 07430-2035

United States Attorney  
400 West Washington Street  
Suite 3100  
Orlando FL 32801-2440

United States Trustee - TPA7/13  
Timberlake Annex, Suite 1200  
501 E Polk Street  
Tampa, FL 33602-3949

Wells Fargo Bank NA  
PO Box 10438  
Des Moines IA 50306-0438

Wfdillards  
Po Box 14517  
Des Moines, IA 50306-3517

Cheryl Annette Crawford  
13905 Noble Park Drive  
Odessa, FL 33556-1768

Colleen Rediger  
c/o Nardella & Nardella, PLLC  
250 E. Colonial Dr, Ste 102  
Orlando, FL 32801-1231

Jon Waage  
P O Box 25001  
Bradenton, FL 34206-5001

Karl Dudley Crawford  
13905 Noble Park Drive  
Odessa, FL 33556-1768

Mark Rediger  
c/o Nardella & Nardella, PLLC  
250 E. Colonial Dr, Ste 102  
Orlando, FL 32801-1231

Matthew S Englett  
Lawyer ASAP, LLP  
150 North Orange Avenue, Suite 303  
Orlando, FL 32801-2317

Roberto D DeLeon  
DeLeon Law, PLLC  
204 37th Avenue, North, #131  
St. Petersburg, FL 33704-1416

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Recovery Associates, LLC  
POB 41067  
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Pacific Union Financial, LLC

(u)Kayla Crawford

End of Label Matrix	
Mailable recipients	52
Bypassed recipients	2
Total	54